THE UNITED STATES PATENT AND TRADEMARK OFFICE DEC 1 1 2003

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APPLACAM

Dieter CHEREK et al.

CONFIRMATION NO.: 5104

SERIAL NO.:

10/623,343

GROUP ART UNIT: 3737

FILED:

July 18, 2003

TITLE:

"METHOD AND DEVICE FOR POSITIONING A PATIENT IN A

MEDICAL DIAGNOSIS DEVICE OR THERAPY DEVICE"

Commissioner for Patents P.O. Box 1450

Alexandria, Virginia 22313-1450

SIR:

In response to the Notice dated October 22, 2003 (copy attached), Applicants herewith submit two signed Declarations for the above application, together with a check for the statutory fee in the amount of \$130.00. One of the Declarations has been signed by the inventor Uwe Urmoneit, and the other Declaration has been signed by all of the other co-inventors.

Submitted by,

SCHIFF. HARDIN & WAITE

CUSTOMER NO. 26574 Patent Department

6600 Sears Tower 233 South Wacker Drive Chicago, Illinois 60606 Telephone: 312/258-5790

Attorneys for Applicant.

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as First Class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450 on December 8, 2003.

CH1\ 4076814.1

DECLARATION AND POWER OF ATTORNEY

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name,

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled:

"METHOD A	AND DEVICE FO	R POSIT	TIONING A PATI THERAPY DE	ENT IN A MEDI	CAL DIAGNOSI	S DEVICE OR
Case No. <u>P03</u>	,0243 , the specific	cation of v	which			
	(check one)		is attached hereto was filed on Application Seria and was amended (if applicable)	_, as l No		
I here including the cl	by state that I have laims as amended b	ve review by any am	ed and understand endment referred to	the contents of above.	the above identifi	ed specification
I ackn to be material 1.56(a). ¹	owledge the duty to to the patentability	o disclose y of this a	to the United State application in acco	s Patent Office all rdance with Title	information whic 37, Code of Fed	h is known to me eral Regulations,
pefore my or or or or invention the United Speen patented sountry foreign more than twelvention has be	ot know, and do no ur invention thereo hereof or more than tates of America mor made the subjeto the United State we months prior to the filed in any countives or assigns, ex	f, or pater n one year ore than o ct of an i es of Ame this applicantry forei	nted or described in prior to this application one year prior to this inventor's certifical rica on an application, and that no egn to the United St	any printed publication, that the san s application, and te issued before the on filed by me or application for part	cation in any cour ne was not in pub I believe that the the date of this ap my legal represent tent or inventor's of	atry before my or lic use or on sale thrention has not oplication in any tatives or assigns certificate on this
I hereb patent or invent	by claim foreign pr or's certificate liste	iority bend d below	efits under Title 35	, United States, 11	19 of any foreign a	application(s) for
Prior F Numb	Foreign Application er	u(s)	Country	·	Date	
102	32 681.9		Germany		July 18, 2002	
and have also ion hat of the abov	dentified below any e listed application	on which	application for pate priority is claimed	nt or inventor's cer	rtificate having a f	filing date before
Prior F Numb	Foreign Application er	(s)	Country	·	Date	

(i) Opposing an argument of unpatentability relied on by the Office, or

⁽b) Under this section, information is material to patentability when it is not cumulative to information already of record or being made of record in the application, and

⁽¹⁾ It establishes, by itself or in combination with other information, a prima facie case of unpatentability of a claim; or

⁽²⁾ It refutes, or is inconsistent with, a position the applicant takes in:

⁽ii) Asserting an argument of patentability.

A prima facie case of unpatentability is established when the information compels a conclusion that a claim is unpatentable under the preponderance of evidence, burden-of-proof standard, giving each term in the claim its broadest reasonable construction consistent with the specification, and before any consideration is given to evidence which may be submitted in an attempt to establish a contrary conclusion of patentability.

If no priority is claimed, I have identified all foreign patent applications filed prior to this application:

Prior Foreign Application(s) Number

Country

Date

And I hereby appoint all Attorneys identified by United States Patent & Trademark Customer Number 26574, who are all members of the Firm Schiff Hardin & Waite, my attorneys, with full power of substitution and revocation, to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith and direct that all correspondence be forwarded to:

SCHIFF HARDIN & WAITE

Patent Department

6600 Sears Tower Chicago, Illinois 60606-6473

CUSTOMER NUMBER 26574

Direct Telephone Number for

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Full name of sole or first inventor:	DIETER CHEREK		
Inventor's signature: Residence: Citizenship:	Hirschaid, Germany Germany	Date: _	7 7. 2003
Post Office Address:	Ginsterweg 23 96114 Hirschaid, Germany		
Full name of second joint inventor, (If any):	ROBERT KAGERMEIER		
Inventor's signature: Residence:	Nürnberg, Germany	Date: _	10-7.2003
Citizenship: Post Office Address:	Germany Ebermannstädter Str. 14 90427 Nürnberg, Germany		
Full name of third joint inventor,	MICHAEL LOCOR		
(If any): Inventor's signature:	Michael Loser	Date:	07.07.2003
Residence:	Erlangen, Germany	Date: _	0 (-0 (. X003
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Full name of fourth joint inventor,	DONAL MEDIAR		
(If any):	DONAL MEDLAR		
Inventor's signature:	Deal Medick	Date: _	10,7.2003
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	91085 Weisendorf, Germany		

Full name of fifth joint inventor,			
(If any):	HENDRIK STEINMANN		
Inventor's signature: Residence:	Howild Germany Worms, Germany	Date: _	19.07.2003
Citizenship:	Germany		
Post Office Address:	Berggartenstraße 8		
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Full name of sixth joint inventor, (If any):	<u>UWE URMONEIT</u>		
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Inventor's signature:		Date: _	
Residence:	Gerhardshofen, Germany		
Citizenship:	Germany		
Post Office Address:	Herbstwiese 39		
	91466 Gerhardshofen, Germany		· · · · · · · · · · · · · · · · · · ·

CHI\4018138.1

DECLARATION AND POWER OF ATTORNEY

As a below named inventor, I hereby declare that:

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"METHOD AND DEVICE FOR POSITIONING A PATIENT IN A MEDICAL DIAGNOSIS DEVICE OR

	THERAPY DEVIC	CE"
Case No. <u>P03,0243</u> , the specification of	of which	·
(check	is attached hereto. was filed on, a Application Serial No and was amended on (if applicable)	0
I hereby state that I have review including the claims as amended by any a	ewed and understand the amendment referred to abo	e contents of the above identified specificatio ove.
I acknowledge the duty to discloto be material to the patentability of thi 1.56(a).	se to the United States Pass application in accordan	atent Office all information which is known to make with Title 37, Code of Federal Regulation
before my or our invention thereof, or particular invention thereof or more than one you in the United States of America more that been patented or made the subject of an accountry foreign to the United States of Armore than twelve months prior to this approvention has been filed in any country foreign to the gal representatives or assigns, except as	tented or described in any ear prior to this application one year prior to this applicate is merica on an application folication, and that no appreign to the United States identified below:	r known or used in the United States of Americally printed publication in any country before my control that the same was not in public use or on samplication, and I believe that the invention has no succeed before the date of this application in an filed by me or my legal representatives or assignification for patent or inventor's certificate on the of America prior to this application by me or many controls.
I hereby claim foreign priority be patent or inventor's certificate listed below	enefits under Title 35, Ur v	nited States, 119 of any foreign application(s) for
Prior Foreign Application(s) Number	Country	Date
102 32 681.9	Germany	July 18, 2002
nd have also identified below any foreign hat of the above listed application on which	n application for patent or ch priority is claimed:	r inventor's certificate having a filing date befor
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SCHIFF HARDIN & WAITE Patent Department 6600 Sears Tower Chicago, Illinois 60606-6473 CUSTOMER NUMBER 26574

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Full name of sole or first inventor:	DIETER CHEREK
Inventor's signature: Residence: Citizenship: Post Office Address:	
Full name of second joint inventor, (If any):	ROBERT KAGERMEIER
Inventor's signature: Residence: Citizenship: Post Office Address:	Date: Nürnberg, Germany Germany Ebermannstädter Str. 14 90427 Nürnberg, Germany
Full name of third joint inventor, (If any):	MICHAEL LOSER
Inventor's signature: Residence: Citizenship: Post Office Address:	Erlangen, Germany Austria Aufsessstr. 1 91052 Erlangen, Germany
Full name of fourth joint inventor, (If any):	DONAL MEDLAR
Inventor's signature: Residence: Citizenship: Post Office Address:	Weisendorf, Germany Germany Am weissen Berg 38 91085 Weisendorf, Germany

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Full name of sixth joint inventor,			
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Citizenship:	Germany		
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